

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATIONAL ELECTRONICAL ANNUITY PLAN,

Plaintiff,

Case No. 18-cv-13701

v.

Hon. Robert H. Cleland
Mag. Stephanie Dawkins Davis

HENKELS & MCCOY, INC.,

Defendant.

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P.L.C.
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DEFENDANT'S WITNESS LIST

Henkels & McCoy, Inc., ("Defendant") hereby submits its Witness List, pursuant to the Court's May 15, 2019 Scheduling Order (Non-Jury). Defendant states that the following witnesses may be called at trial if it appears that they have noncumulative knowledge of facts relevant to issues which may arise at trial:

1. Steve Freind

Mr. Freind may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the

allegations set forth in Plaintiff's Amended Complaint.

2. Clint Grassmick

Mr. Grassmick may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

3. Sue Gannon

Ms. Gannon may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

4. Pierre Adam

Mr. Adam may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

5. Jon C. Joynson

Mr. Joynson may testify about the intent and status of the relevant collective bargaining agreements, the nature of the work being performed for which Plaintiff seeks fringe benefit contributions as well as some of the allegations set forth in Plaintiff's Amended Complaint.

6. Gary Smith

Ms. Smith may provide expert testimony regarding that any work being performed is "outside telephone work" as that term is used in the relevant collective bargaining agreements.

7. Dean Bradley

Mr. Bradley may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

8. Chad Clark

Mr. Clark may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

9. Keith T. Sarns

Mr. Sarns may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

10. Kevin M. Shaffer

Mr. Shaffer may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

11. Henry J Matuliewicz

Mr. Matuliewicz may testify about the negotiation, intent and status of the relevant collective bargaining agreements as well as some of the allegations set forth in Plaintiff's Amended Complaint.

Defendant may also call records custodians and past and present employees of the following entities:

12. Henkels & McCoy, Inc.

13. National Electrical Annuity Plan

14. International Brotherhood of Electrical Workers, Local 17

15. International Brotherhood of Electrical Workers, Local 876

16. International Brotherhood of Electrical Workers

In addition, Defendant may call the following witnesses:

17. All persons referred to any complaint filed in this lawsuit, but not specifically named.
18. All persons who signed or who are referred to in any collective bargaining document relevant to this lawsuit.
19. All persons or entities listed on Plaintiff's witness list, or any other witness list filed in this case.
20. All persons or entities referred to in depositions, interrogatories, answers to interrogatories, responses to requests for documents or responses to third-party subpoenas.

As discovery is ongoing, Defendant reserves the right to designate further witnesses, including experts, after the close of discovery. If it appears that additional witnesses will or may be called to testify at trial, their names shall be reported to Plaintiff's counsel as soon as possible prior to trial. This restriction does not apply to rebuttal witnesses.

Respectfully submitted,

/s/Brian M. Schwartz

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Dated: August 16, 2019

P69018

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, I caused to be electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to all attorneys of record.

/s/Brian M. Schwartz

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